

**Lewis County Planning Commission
Public Meeting
Lewis County Courthouse
351 NW North St.
Chehalis, WA 98532**

**February 22, 2011 – 7:00 p.m.
Meeting Notes**

Planning Commissioners Present: Mike Mahoney, Rachael Jennings, Bob Guenther, Jim Lowery, Bill Russell, Richard Tausch, Arny Davis

Staff Present: Glenn Carter, Lynn Deitrick, Jerry Basler, Susan Johnson, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from February 8, 2011
- Memo from Jerry Basler re: Washington Resource Inventory Areas (WRIA)
- Memo from Dianne Dorey re: Public Benefit Rating System – Open Space
- Open Space Tax Program Application from William Reisinger
- Open Space Tax Program Application from Teitzel/Omage
- Options for Utility Lot Exemptions

I. Call to Order

Chairman Russell called the meeting to order at 7:02 p.m. and the Commissioners introduced themselves.

II. Old Business

A. Approval of meeting notes from February 8, 2011

The Chair entertained a motion to approve the meeting notes from February 8, 2011. Commissioner Jennings made the motion; Commissioner Lowery seconded. The motion passed.

B. Summary of Steering Committee meeting on South County Subarea Plan

Mr. Basler stated the subarea steering committee met for the first time on February 9. The meeting was informal and Mr. Basler introduced himself and Mr. Mike McCormick. The citizens attending asked questions and there was an explanation of where the plan is now and what the intent is. The unresolved issues were still regarding sewer hookups and if a property owner had to be included in the proposed UGA. Commissioner Grose explained that the sewer issue is separate from the subarea plan but will be running a parallel track in tying Winlock, Vader and Toledo together and nothing can happen in the subarea until the sewer is in place.

Mr. Basler stated the next step will be for him and Mr. McCormick to meet with a couple of land owners at a time to explain the facts and what it will mean to be in the UGA and what it will mean in the future. Some property owners may not understand what it means for their property to be in or out of the UGA.

If they say no now and later change their minds it may not be feasible or possible to get in. If they choose not to be in they don't have to be but they will understand the options up front.

Mr. Basler stated communication is opening up with the residents in the subarea. He has spoken to some on the phone or exchanged e-mails. He thinks communicating with the property owners is the most important first step.

Commissioner Lowery stated he has heard the term "opt out" a couple of times regarding the UGA. He asked how that would work. Mr. Basler stated after meeting with the land owners and they decide they don't want to be included their property would be carved out. There are other land owners who would like to be in that were not considered in the first round.

Commissioner Lowery asked what would happen if 80% of the land owners wanted to opt out. Mr. Basler stated it has not gotten to that point at the first look; it appears that about 70% still want to be included, and it would be more than that if the other large properties are brought in. A certain amount of acreage must be included and if it gets to that point the entire plan will need to be looked at again.

Commissioner Mahoney asked if an area is designated UGA with a ten-acre parcel in the middle it would not be allowed to opt out because it would create a spot zone. Mr. Basler stated that was correct and at this time the people who want to opt out have properties grouped together. There will need to be decisions made if 80% want to opt out or if a spot zone might be created.

Commissioner Guenther asked if the sewer system that Mr. Basler mentioned is a regional sewer system for that area and if so where would that go.

Mr. Basler stated the Vader system is not functioning and the tentative plan is to tie the Winlock, Toledo and Vader systems together. No engineering work has been done; there have been preliminary discussions about gravity flow and whether the system might include only Toledo and Vader. Another issue is how the governance for that system would work.

Commissioner Guenther reiterated that nothing would happen until there is a sewer system. When a UGA is discussed then a sewer system needs to be discussed as to where it will go. Mr. Basler stated a sewer plan does need to be in place and it will be on a parallel track with the UGA.

Chairman Russell stated the old steering committee members included no land owners in the area of the UGA. That might be something that would help smooth the road if the steering committee would consider bringing in land owners from that area.

C. Discussion on WRIA

Mr. Basler stated Commissioner Grose has been attending the WRIA meetings which have been going on for several years. They concern the watershed areas 25 and 26 of the Cowlitz Basin. A master plan drafted some time ago calls for the closure of the WRIA 26. There are several types of closures. One is where water rights are issued but can only be exercised at certain times of the year; a full closure where there are no further water rights issued; a closure including reservations. That is what the master plan calls for at this time. The committee is getting estimates of usage for Lewis County and the area in the

lower basin. Once those numbers are in, and they will include Toledo, Vader and Winlock, water rights can be issued and once the threshold has been reached, no future water rights will be issued.

Mr. Basler included the review schedule of where the committee is right now. March is a crucial month when everything comes together and the threshold number will be set by the committee. That will be the threshold number at which no other water rights will be issued. The existing water rights will still continue as well as exempt wells up to 5,000 gpd (gallons per day) will continue.

Commissioner Lowery read from the planning document Mr. Basler provided: "Future water demands are expected to come from a combination of domestic growth and economic transition. The population in these basins is projected to increase by 47% from year 2000 to 2020 and economic development is increasing in the small industrial and commercial sectors." Mr. Basler's notes state that closure of WRIA 26 means no new water rights. He asked how there can be growth without new water rights.

Mr. Basler stated that is the issue: once the threshold is reached there will be no more water rights, except for those already issued and the exempt wells. The threshold is determined by growth and how much water is being taken out now. That information goes to DOE.

Commissioner Mahoney stated the paper mentions protecting stream flows and ecosystems but nothing mentions the consideration of agricultural, government, forestry or recreational use. It is all about fish. He asked if that is the approach that is being taken.

Mr. Basler stated they are trying to reach a balance with recreational use of water and power. These issues have been discussed and the estimates that are requested from the entities will help determine the threshold number.

Commissioner Mahoney is in favor of protecting the environment but we need to keep people fed and employed.

Commissioner Guenther asked if there has been discussion about the resource of the Cowlitz River and the extraction of water from the river. That had been talked about it in the past and Commissioner Guenther asked if it is part of the plan.

Mr. Basler stated he has attended only two meetings and has heard some discussion about the Cowlitz River but the focus has been on the projections and new wells and measuring in-stream flows.

Commissioner Guenther stated the aquifer in our basin has dropped 40 feet in the past 60 years. He believes there is a tremendous resource in the Cowlitz River and it would be a shame to not consider the future use of the Cowlitz River. Instead of thinking about drilling new wells, a water system using the river should be considered.

Mr. Basler stated that relates to the in-stream flows which leads him to believe there have been discussions about the river but he has not attended those meetings.

Chairman Russell asked what the county's role is in this plan. Mr. Basler stated the county wants to know what the numbers will mean for economic development and future water rights for people to be able to live in Lewis County.

III. New Business

A. 1st Workshop on Public Benefit Rating System

Mr. Deitrick stated there were two applications for open space this year and those were included in the Commissioners' packets. Ms. Susan Johnson from the Assessor's office was in attendance for questions if necessary.

Chairman Russell stated the Commissioners were familiar with the open space process and did not need a presentation. He asked if there were questions specific to either application.

Commissioner Mahoney, who sat on the open space committee, stated there were only two applications and they were straightforward and easy for the committee to come to consensus on. They are relatively small parcels, one with the Chehalis River running through it, the other with the Newaukum River running through it. They are essentially unusable due to being in a flood plain and are not contiguous to a larger agricultural piece. The rating sheet requires 8 points to give the maximum deductions and those points were reached before getting half way through the matrix.

Commissioner Mahoney asked if Ms. Johnson should read into the record what the different open space categories are and what these two specific parcels are. He believed they were both zoned ARL but need to be taken out from a taxing standpoint because they are not part of a contiguous piece of property.

Chairman Russell stated anything of that nature should be read into the record at the public hearing since the Planning Commission is familiar with it.

Commissioner Guenther had a question on the Reisinger application. If this goes into the open space classification, would there continue to be topsoil removed from that piece of land? Ms. Johnson stated if there is [topsoil removed], that land will be removed from the open space program.

Commissioner Guenther asked that the commissioners look at the photograph that was included in the application. Commissioner Mahoney stated that came up at the meeting and the understanding was that the owners had been told very clearly that in order to qualify for the open space all commercial activities had to cease immediately. He stated the owners acknowledged and accepted that.

Commissioner Lowery made a motion to set the public hearing on open space for April 12, 2011. The motion was seconded by Commissioner Tausch; the motion passed.

Chairman Russell asked Mr. Deitrick to update the Planning Commission on utility lots.

Mr. Deitrick distributed a paper with examples from other jurisdictions regarding utility lot exemptions. Mr. Deitrick explained there have been some issues, especially with fire districts, where buildings that house their apparatus have been flooded. They need to get their apparatus out of those locations and some property owners have offered to sell a piece of property to locate a building to store the

apparatus; however according to Lewis County Code, these are single parcels and there is not a way to segregate a piece out that is reasonable (such as RDD-5, RDD-10, etc.)

Other counties have an exemption for what they call utility lots. These utility lots are non-habitable for residential. Public Works sometimes runs into the same issue. Sometimes they need to acquire a parcel of land when they make road improvements and currently they have to buy a big chunk of land to meet their needs. The BOCC has asked Community Development to come up with some type of exemption, which could be going to the Planning Commission fairly soon. This will be included in the subdivision regulations and will not require a change to the Comprehensive Plan.

Chairman Russell stated he thought there was a provision for this but it was taken out of ARL but left in the RDD designations. He asked Mr. Carter if it was dropped from all categories.

Mr. Carter stated he did not recall that. He was told by Mr. Bob Johnson that at some point it was proposed to a planning commission to have a utility lot exemption but that it was highly controversial and was therefore abandoned.

Chairman Russell stated the controversy was over the footprint in the ARL and FRL. He asked Mr. Gene Butler if he recalled that issue. Mr. Butler stated he remembered there was a concern with larger parcels in ARL but he did not recall the provisions that were proposed by Mr. Mackey.

Mr. Carter stated he did not recall it being in the opinions from the Growth Board as being part of a development regulation that was rejected for some reason.

Commissioner Mahoney stated the uses would only be for a water tower, natural gas pump station, etc. it would not be for residential or sanitary facilities. Mr. Deitrick stated that was correct.

Chairman Russell asked if this would be on RDD lands, not resource lands. Mr. Deitrick stated it would be for all areas of the county. It is the intent to put it in the subdivision regulation and it would need to be crafted so if a district were to sell the land, it would need to be known that the land is not a buildable lot.

Chairman Russell asked if there would be any consideration given to prime soils in ag or forest land. Mr. Deitrick stated the county would need to be careful not to impact those beyond reasonableness and to be cognizant of that issue.

Mr. Carter stated the idea is to avoid anything that would require water and septic; it will be purely a storage building.

There was discussion about some fire stations that need to be relocated because of flooding issues and they do require water and septic. Mr. Deitrick stated the first responders need to be high and dry in able to help people; a lot of the firemen are volunteers so the need for facilities isn't necessarily as extreme as they would be in an urban area. The response time must be considered for a location, also.

Commissioner Mahoney asked if the BOCC has the authority to grant a specific waiver, such as locating a fire hall on one acre that would include water, sewer, etc. Mr. Deitrick stated if it does not meet the

density requirements for that zone it would be a use variance and that would not be appropriate for a use variance. Variances are for bulk standards: height, setbacks, etc.

Commissioner Mahoney stated this type of facility is being restricted to a UGA or LAMIRD. Mr. Deitrick stated Commissioner Mahoney is talking about lot sizes. This type of facility is permitted in specific zones but large pieces of land must be purchased that may not be used in its entirety.

Mr. Carter stated under ARL and FRL the County has in its code a provision for public and semi-public buildings as part of accessory uses. The accessory uses do not require the avoidance of prime soils; the incidental uses do. An accessory use could be put on prime soils. It should try to be avoided but it is not required.

B. Set Public Hearing for Zoning Maps for March 22, 2011

The Chair entertained a motion to set a public hearing on zoning maps for March 22, 2011. The motion was made by Commissioner Guenther; seconded by Commissioner Lowery. The motion passed.

IV. Calendar

The next meeting will be March 8, 2011 at 7:00 p.m.

V. Good of the Order

Mr. Basler stated last week the city of Toledo had a town hall meeting. An alumnus from Toledo High School has moved back to Toledo and wants to help move the city forward. The meeting was very well attended; people broke into sub groups to discuss topics such as economic development and then they brought their ideas back to the whole group. Mr. Basler stated Commissioner Jennings was there as well as County Commissioner Grose. Mr. Basler wanted to see how the information might tie into the subarea plan.

VI. Adjourn

There was no other business before the Planning Commission and a motion was made and seconded to adjourn. Adjournment was at 7:45 p.m.